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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of

COMMUNITY TV OF
SOUTHERN CALIFORNIAVALLEY PUBLIC
TELEVISION, INC.

) MM Docket No. 93-93

) File No. BPET-881012KE

) File No. BPET-900904KE

For Construction Permit for a
New TV Station on Channel *39
in Bakersfield, California

To: Arthur I. Steinberg,
Administrative Law Judge

MOTION FOR EXTENSION OF HEARING DATE

Community TV of Southern California ("CTSC") hereby moves for an extension of the hearing date in the above-styled matter. By Order released on April 6, 1993, Joseph Stirmer, Chief Administrative Law Judge, set August 17, 1993, as the date for the commencement of the hearing (FCC 93M-143). Because the August date created problems for both applicants, it was requested that it be extended at an informal conference amongst counsel for the parties held in the chambers of ALJ Arthur I. Steinberg on Friday, April 30, 1993.^{*/} However, the parties were unable to agree with the Judge on an appropriate date so it was suggested that the matter be handled by motion.

^{*/} Norman Goldstein of the Hearing Branch of the Mass Media Bureau also attended the conference.

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As noted at the informal conference, the comparative criteria for noncommercial applicants are extremely amorphous and vague. Accordingly, preparing for this hearing will require substantially more time and effort than is the case in a comparative hearing for a commercial authorization, where the issues are well defined and known. The Commission's Review Board has twice expressed concern about the vagueness of the issues in noncommercial comparative cases, see, Seattle Public Schools, 4 FCC Rcd 625 (Rev. Bd. 1989); Black Television Workshop of Santa Rosa, Inc., 65 R.R.2d 34 (Rev. Bd. 1984), and the Commission is currently exploring the issue. See Notice of Proposed Rulemaking, 7 FCC Rcd 2664, 2669 (1992). As of this date, however, that proceeding is still pending. Thus, defining the scope of the issues in this case and preparing the hearing exhibits will require a substantial effort by both parties and a prolonged period of time.

In addition to the short time to prepare for the hearing, CTSC notes that public television stations throughout the country, presumably including Valley Public Television, Inc., conduct one of their major fundraising drives during August. PBS, which coordinates much of the programming activity, has tentatively scheduled the August fundraiser to run from August 14th through August 22nd. CTSC has scheduled its fundraising activities for a slightly longer period, from August 11th through August 23rd. This activity is extremely important to any public television station, since public contributions make-up

approximately 25% of a system's revenue. As befitting such an important event, the campaign itself is an intensive effort and requires the time and attention of senior management, including

seem that the extension requested should be granted. There appear to be no countervailing public interest considerations.

Wherefore, for the foregoing reasons, CTSC respectfully requests that the date for the commencement of the hearing be extended to and including November 16, 1993, and that the other dates set by the Judge in his Order released April 9, 1993, be adjusted accordingly.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Thomas Schattenfield", is written over a horizontal line.

Thomas Schattenfield
Theodore D. Frank
Arent Fox Kintner Plotkin & Kahn
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5337
(202) 857-6000

Counsel for Community TV of
Southern California

May 4, 1993

CERTIFICATE OF SERVICE

I, JoAnn Felix, hereby certify that on this 4th day of May, 1993, copies of the foregoing MOTION FOR EXTENSION OF HEARING DATE were mailed, postage prepaid, or hand-delivered to the following:

Administrative Law Judge *
Arthur I. Steinberg
Federal Communications Commission
2000 L Street, N. W.
Room 228
Washington, D.C. 20554

Charles Dziedzic, Esquire *
Chief, Hearing Branch
Federal Communications Commission
2025 M Street, N. W.
Room 7212
Washington, D.C. 20554

Norman Goldstein, Esquire *
Mass Media Bureau
Federal Communications Commission
Room 7212
2025 M Street, N.W.
Washington, D.C. 20554

Vincent J. Curtis, Jr., Esquire
Fletcher Heald & Hildreth
1300 N. 17th Street
Eleventh Floor
Roslyn, Virginia 22209
Counsel for Valley Public
Television, Inc.

JoAnn Felix